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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,668	10/28/2003	Douglas D. Bonke	15197.85USD1	6856

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EXAMINER

WOLLSCHLAGER, JEFFREY MICHAEL

ART UNIT	PAPER NUMBER
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1732

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/696,668

Applicant(s)

BONKE, DOUGLAS D.

Examiner

Jeff Wollschlager

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

For the record it is noted that Examiner Wollschlager has assumed responsibility for this application from Examiner Eashoo.

Response to Amendment

Applicant's amendment to the claims filed February 8, 2007 has been entered. Claims 1, 3, 5, 7 and 8 are currently amended. Claims 9-18 are new. Claim 3 has been canceled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 8-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 5, the claim limits the formation to binary mixtures however the base resin, as claimed, may contain two or more materials. For the purposes of examination the limitation is understood such that the base resin, as a whole, forms one component of the claimed binary mixtures. Regarding claim 8, the claim recites "a third extruded layer". As presented in the claim it is unclear whether the third extruded layer is necessarily formed from the mixture of the base resin and tackifier. Alternatively, it is unclear how the base resin and tackifier mixture are utilized in the method as currently claimed.

Claim Rejections - 35 USC § 103

Claims 1-3, 5-9, 11-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arvedson et al. (U.S. 5,141,809) in view of McGuire et al. (U.S. 6,602,454) and Dohrer (U.S. 5,085,927) and any one of Chum et al. (U.S. 5,089,321) or Hodgson et al. (U.S. 5,376,439) or DiPoto (U.S. 5,558,930).

Regarding claims 1 and 6-8, Arvedson et al. teach the basic claimed process of making a plastic wrap comprising mixing and extruding a first polyolefin and an antiblocking agent such as silica and talc in a first layer (col. 8, lines 38-col. 9, lines 36); mixing and extruding a base resin of ethylene vinyl acetate/ methyl acrylate (col. 3, lines 48-59; col. 5, lines 62-68) with a tackifier comprising a rosin ester (col. 7, lines 27-60); extruding yet another intermediate layer (col. 9, lines 25-35) and joining/extruding the layers to form a multilayer film (col. 9, lines 35-45). Arvedson et al. also teach chill roll cooling (col. 9, lines 35-45). With respect to claim 8, Arvedsen et al. teach forming the film using an air blow extrusion method (i.e. air cooling) (col. 9, lines 35-45). Arvedson et al. do not expressly teach using a set of chill rolls to cool the film and placing the chilled film in contact with an embosser, or that the tackifier further comprises SIS.

However, McGuire teaches using a set of chill rolls to cool the film and placing the chilled film in contact with an embosser (Figure 1) and Dohrer teach the use of SIS as a tackifier in a cling layer (col. 4, lines 10-65).

Therefore it would have been *prima facie* obvious to one having ordinary skill in the art at the time of the claimed invention to have chilled and embossed a film as taught by McGuire in the process of Arvedson et al. since McGuire suggest such means

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are an equivalent and alternative method of forming an embossed film and to have employed SIS as a tackifier in the cling layer, as taught by Dohrer in the process of Arvedson et al., since Dohrer suggests such styrenic elastomers enhance the effect of the tackifier (col. 4, lines 35-4).

Additionally, Arvedson et al. do not teach that the intermediate layer comprises HDPE. Arvedson et al. do teach and suggest the intermediate layer may be chosen to modify the overall property balance of the film (col. 9, lines 26-30 and 63-68), to provide an outlet for recycled trim and scrap (col. 9, lines 26-31), or to function as a barrier layer (col. 9, lines 26-33) and that the intermediate layer may comprise any other suitable polymer to achieve the desired properties for an intended use (col. 9, lines 26-col. 10, lines 24).

However, Hodgson et al. disclose a method of making a multilayered film where the core layer comprises recycled HDPE (Abstract; col. 9, lines 34-col. 10, lines 22); Chum et al. disclose as conventional employment of HDPE as a core layer for additional structural support (col. 1, lines 24-35); and Dipoto disclose employment of HDPE as a core layer to improve barrier properties (Abstract; col. 2, lines 35-67; col. 3, lines 64-col. 4, lines 67).

Therefore it would have been *prima facie* obvious to one having ordinary skill in the art at the time of the claimed invention to have employed HDPE as the intermediate layer as suggested by any of Hodgson et al., Chum et al. or Dipoto in the method of Arvedson et al. for the purpose, as suggested by Hodgson et al., for environmental

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stewardship and waste reduction, or for the purpose of achieving improved strength and barrier properties as suggested by Chum et al. and Dipoto, respectively.

As to claims 2, 9 and 14, Arvedson et al. disclose polypropylene and the antiblocking agent comprises silica or talc (col. 8, lines 38-col. 9, lines 36).

As to claims 3, 11, 12, 16 and 17, Arvedson et al. disclose LLDPE as one of the layers and further disclose using recycle trim, which would comprise LLDPE, in the intermediate layer (col. 9, lines 26-35; col. 8, lines 59-67). Further, Dipoto disclose employment of blends of HDPE and LDPE as the barrier layer (col. 4, lines 44-57).

As to claim 5, the examiner notes the claimed limitations are directed to limiting the sequence of mixing ingredients. However, it has been held that the selection of any order of mixing ingredients is *prima facie* obvious absent new or unexpected results.

MPEP 2144.04:

As to claim 13 and 18, Arvedson et al. disclose controlling the thickness/weight of the layers as needed for the intended use (col. 4, lines 58-65; col. 9, lines 46-55). Additionally, DiPoto discloses controlling layer thickness/weight (col. 5, lines 20-35).

Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arvedson et al. (U.S. 5,141,809) in view of McGuire et al. (U.S. 6,602,454) and Dohrer (U.S. 5,085,927) and any one of Chum et al. (U.S. 5,089,321) or Hodgson et al. (U.S. 5,376,439) or DiPoto (U.S. 5,558,930), as applied to claims 1-3, 5-9, 11-14 and 16-18 and further in view of Sishta et al. (U.S. 5,852,143).

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As to claims 10 and 15, Arvedson et al. disclose the antiblocking agent comprises silica (col. 9, lines 4-15). Sishta et al. disclose as conventional controlling the particle size of silica antiblocking agents used in films (col. 11, lines 20-31).

Therefore it would have been *prima facie* obvious to one having ordinary skill in the art at the time of the claimed invention to have controlled the particle size of the silica to a "substantially uniform particle size distribution" as suggested by Sishta et al. for the purpose of producing an effective antiblocking agent as is routinely practiced in the art.

Response to Arguments

Applicant's arguments filed February 8, 2007 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

All claims are rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Wollschlager whose telephone number is 571-272-8937. The examiner can normally be reached on Monday - Thursday 7:00 - 4:45, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JW

Jeff Wollschlager
Examiner
Art Unit 1732

April 19, 2007


CHRISTINA JOHNSON
SUPERVISORY PATENT EXAMINER

4/19/07